

# MINUTES

## Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on September 4-5, 2003 in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, 2<sup>nd</sup> Floor, Nashville, TN.

### ***THURSDAY, SEPTEMBER 4, 2003 –***

Those present were: K. Max Billingsley, Chairman; Marshall H. (Pete) Ragan, Board Member; David L. Mathews, Board Member; Scott Ledford, Staff Attorney; Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

Dave Gilbert, Public Board Member, was not present.

Bill Burris, Investigator for the Regulatory Boards Investigation Section and Meredith Sullivan, Legislative Coordinator for the Department of Commerce and Insurance were also present.

Chairman Billingsley called the meeting to order at 9:10 a.m

Scott Ledford presented the following complaint(s):

### ***Complaint #200313624 – Humphrey vs. Williford –***

Meredith Sullivan, Legislative Coordinator for the Department of Commerce and Insurance, attended the meeting regarding this particular complaint on behalf of Rep. Charlie Curtis.

This complaint is a boundary dispute. The complainant claims that a neighbor's survey encroaches on his land and that the surveyor has not "fixed it." The surveyor notes that his plat draws attention to an uncertainty in the boundary line and that as a boundary dispute; this is essentially a matter for litigation, not the Board of Examiners for Land Surveyors. The Board dismissed the complaint at the July 1-2, 2003 meeting; however, the complainant wants the complaint revisited.

Mr. Ledford stated that in the surveyor's response, it appears that the surveyor has re-drawn the lines, with his client's permission, to reflect the boundary that the complainant wants. The original also shows the area as possibly being "subject to confirmation" by the complainant.

Mr. Ledford recommended that a Board member perform a review of the survey. Max Billingsley made a motion to accept the staff attorney's recommendation and have a board member review the complaint. Mr. Billingsley asked David Mathews to review the complaint file. Mr. Mathews is to review the complaint for violation, not to resolve the boundary dispute.

Max Billingsley made a motion to have an informal conference with both the complaint and respondent at the next meeting.

David Mathews made a motion to inquire if the complainant has seen the new plat and does he still want to pursue the complaint? Pete Ragan seconded the motion. The motion carried unanimously. Scott Ledford is to prepare the correspondence and send a copy to Meredith Sullivan.

Bill Burris, Investigator for the Regulatory Boards of the Department of Commerce and Insurance, gave a report on ***Complaint #200105865***.

Pete Ragan made a motion to have further investigation to obtain a current copy of drawings. David Mathews seconded the motion. After further discussion the motion passed 2-1.

Max Billingsley then made a motion to find that as the board has prima facie evidence that our law has been violated, instruct the staff attorney to issue a Civil Penalty of \$5,000.00 and a Cease and Desist letter. In addition, the board is to turn the complaint file over the Architects and Engineers Board to go after the landscape architect's license. The Land Surveyors Board will file the complaint if necessary. Pete Ragan seconded the motion. The motion carried unanimously.

#### ***Complaint #200209177 – Board vs. Cannon –***

Max Billingsley made a motion to rescind the conditional approval of the respondent's reapplication and Consent Order due to non-response by the respondent to the Civil Penalty previously offered. Pete Ragan seconded the motion. After further discussion, it was decided that due to discrepancies made by the respondent, the board will rescind any previous actions taken on the past application and Consent Order. The applicant (Cannon) will need to make a sworn statement regarding his surveying practices. The motion carried unanimously.

David Mathews made a motion to send the respondent a Consent Order of \$1000.00, amend his affidavit and when this information has been received in the Board office, the Board members will take up the matter of the respondent's application. Max Billingsley seconded the motion. The motion carried unanimously.

***Complaint #200103677 – Finck vs. Shipley –***

Max Billingsley made a motion to have the responded arrested for impersonating a licensed professional. Pete Ragan seconded the motion. The motion carried unanimously. Defer any further action until such time as arrest has been made.

Scott Ledford then gave a report on the following pending complaints:

***Complaint #200206868 – Feingold vs. Wright –***

Formal charges have been filed. The hearing is scheduled for October 24, 2003.

***Complaint #200313614 – Phillips vs. Campbell –***

Informal Conference to be scheduled.

***Complaint #2003157281 –***

Hold pending further review by the staff attorney of another complaint against the same respondent.

***Jon Adcock Matter –***

Mr. Adcock took the Tennessee specifics (TLS) examination in October 2002 and was determined to have failed that exam. After recalculating Mr. Adcock's score by Peter Messier, proctor and developer/administrator of the TLS exam, it was found that Mr. Adcock did indeed pass the examination. Max Billingsley made a motion to issue Mr. Adcock his license. David Mathews seconded the motion. The motion carried unanimously.

The minutes of the previous meeting were reviewed. Pete Ragan made a motion to approve the minutes. Max Billingsley seconded the motion. The motion carried unanimously.

Pete Ragan made a motion that the Board file a complaint against Jim Akins for violations of the Tennessee Laws and Regulations. David Mathews seconded the motion. The motion carried unanimously.

The Board then issued a policy whereby any person not holding an active license can be reinstated per Chapter 0820-5-.07.

***FRIDAY, SEPTEMBER 5, 2003 –***

Those present were: K. Max Billingsley, Chairman; Marshall H. (Pete) Ragan, Board Member; David L. Mathews, Board Member; Scott Ledford, Staff Attorney;

Donna Moulder, Administrative Director for the Board; and Carol Kennedy, Administrative Assistant for the Board.

Dave Gilbert, Public Board Member, was not present.

Chairman Billingsley called the meeting to order at 9:35 a.m.

The Board began the application review for the October 2003 examination(s).

Jim Thorpe of Thorpe Associates, a continuing education vendor requested a meeting with the Board to discuss “nonmonumentation.”

***Myron Tipton – TLS #1499 (expired 12-31-97) –***

Mr. Tipton appeared before the Board to discuss the reapplication for his license. Mr. Tipton informed the Board that he has stamped approximately 5-10 subdivision plats per year since his license expired on December 31, 1997

Pete Ragan made a motion to follow past procedure and offer Mr. Tipton a Civil Penalty of \$3000.00 for practicing land surveying with a license and then review Mr. Tipton’s reapplication. David Mathews seconded the motion. After further discussion, Max explained the process of the issuance of an Agreed Order, which will be sent out by the staff attorney. The Board will simultaneously accept an updated application, two plats with descriptions and payment of the \$3000.00 Civil Penalty. The motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted

Donna Moulder  
Administrative Director

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K. Max Billingsley, Chairman

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Marshall H. (Pete) Ragan

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David L. Mathews

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Dave B. Gilbert

## **APPLICANTS APPROVED FOR THE OCTOBER 2003 EXAMINATION**

Charles R. Ellis  
Marc A. Hays  
John S. Maholland  
Christian M. Medders  
Grady Curtis Phillips  
Brian M. Reifschneider  
Jeffrey M. Weems  
Carlen J. Wiggins, Jr.  
Jonathan Wayne Willis  
Jeremy Jacob Alexander\*  
Dixon Lynne Gilbert Brackett\*  
David Brian Cagle  
Douglas Eric Jones  
Christopher John Mabery\*  
Michael Wayne Netherton\*  
Nikolas Roberts\*  
Aaron N. Sams\*  
Thomas Lynn Snyder\*  
Macon Regen Thornton, Jr.\*  
John Christopher Sexton  
Randall Ray White  
Mark Haley Driver  
Dwight Crutchfield  
James Leland Hill, Jr.  
Jeffrey A. Leopard  
Christopher Blake Sexton  
Corbin L. Caruthers  
Randall A. Freeman  
James Lawrence Nichols  
Richard Lester Bailey  
Thomas Hayden Chandler  
Doyle M. Elkins  
Thomas K. Harvey

## **DISAPPROVED APPLICANTS FOR THE OCTOBER 2003 EXAMINATION**

Noah Bobo  
Clint Elliott  
David Holmes  
Thaddeus Lucas  
Anthony Richmond

James E. Smith  
Thomas Vester